

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

XAVIER JOHNSON,

Plaintiff,

V.

BIG 10 TIRES, INC.,

Defendant.

CASE NO. 2:05-cv-704

REPORT OF PARTIES PLANNING MEETING

1. Pursuant to Fed. R Civ. P 26(f), the following attorneys conferred by telephone on October 25, 2005 regarding proposed deadlines in this matter and submit the following joint report:
 - a. Maricia Woodham, Sabel & Sabel, P.C., 2800 Zelda Road, Ste. 100-5; Montgomery, AL 36106 on behalf of Plaintiff Xavier Johnson, and;
 - b. William C. Tidwell, III, Hand Arendall LLC, 3000 AmSouth Bank Building, 107 S. Francis Street; Mobile, AL 36602 on behalf of Defendant Big 10.
2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Rule 26(a)(1) by November 8, 2005.
3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan, but do not necessarily agree with the scope of discovery proposed by the opposing party. The parties reserve the right to object to the discovery when made.
 - a. Discovery will be needed by Plaintiff on the following subjects: all substantive claims and defenses.

- b. Discovery will be needed by Defendant on the following subjects: all substantive claims and defenses.
- c. All discovery commenced in time to be completed by March 1, 2006.
- d. A maximum of ten (10) depositions per party, with each deposition limited to six (6) hours per deposition unless extended by agreement of the parties.
- e. A maximum of 45 interrogatories by each party, with responses due thirty (30) days after service, unless extended by agreement of the party propounding the interrogatories or requests for production.
- f. A maximum of 30 Requests for Admissions by each party with responses due thirty (30) days after service, unless extended by agreement of the party propounding the request for admission.
- g. Supplemental disclosures and supplemental discovery responses under Fed. R. Civ. P. 26(e) shall be made at all reasonable intervals once new or different information becomes known to any party that should be disclosed under Fed. R. Civ. P. 26(a)(1), or that adds to, changes or corrects an earlier discovery response, and at the latest by April 1, 2006.

4. Other Items

- a. The parties do not request a conference with the Court before entry of the scheduling Order.
- b. Reports from retained experts under Fed. R. Civ. P. 269a) (2) are due from the Plaintiff on February 1, 2006 and from the Defendant on February 15, 2006.
- c. The parties request a pretrial conference in July 2006.

- d. Plaintiff should be allowed until January 23, 2006 to join additional parties and to amend the pleadings.
- e. Defendant should be allowed until February 22, 2006 to join additional parties and to amend the pleadings.
- f. All potential dispositive motions should be filed by March 15, 2006.
- g. Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery. However, the parties believe that settlement may be enhanced through the early use of a Magistrate judge.
- h. A final list of witnesses and exhibits due under Fed. R. Civ. P 26(a)(3) must be served and filed by the parties thirty (30) days before trial.
- i. Objections to witnesses and exhibits are to be filed within fifteen (15) days after receipt of the final lists.
- j. This jury case should be ready for trial by August 21, 2006.
- k. The trial of this matter should last 3 days.

The attorneys for the parties jointly prepared this Report of Parties' Planning Meeting and counsel for Defendants have reviewed this report and given permission to Plaintiff's counsel to electronically file the instant report with the Court on behalf of the parties.

Respectfully submitted this the 26th day of October, 2005.

/s/ Maricia Woodham
MARICIA WOODHAM (BEN 050)
One of the Attorneys for Plaintiff

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